

PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-00500011: A Conditional Use Permit request for *Midnight District, LLC* to operate a Medium-Intensity (use area less than 7,500 square feet) Bar with Live Entertainment and an Alcohol Beverage Distance Waiver to allow on-site consumption for the property located at 317 North Dixie Highway. The property is zoned Mixed-Use Dixie Highway (MU-DH) and has a Mixed-Use East (MU-E) Future Land Use (FLU) designation.

Meeting Date: June 3, 2026

Property Owner: 317 Dixie LLC

Applicant: Carla Salomon | Midnight District, LLC

Address: 317 N Dixie Hwy

PCN: 38-43-44-21-15-084-0230

Size: 0.15 Acre Lot/±3,250 square feet of existing building area

General Location: West side of North Dixie Highway between 3rd Avenue North and 4th Avenue North

Existing Land Use: Commercial Retail

Current Future Land Use Designation: Mixed Use East (MU-E).

Zoning District: MU-DIXIE- Mixed Use- Dixie Highway

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. However, staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed alcohol-beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 6 and 7 of this report.

PROJECT DESCRIPTION

The applicant, Carla Salomon on behalf of Midnight District, is requesting:

- A **Conditional Use Permit (CUP)** for the establishment of a Medium-Intensity Bar with Live Entertainment use
- An **Alcohol Distance Waiver for On-Site Consumption** to allow on-site alcohol consumption

The applicant, Midnight District, proposes to operate a combined hookah and social lounge designed to provide a modern, upscale environment for patrons to relax and socialize. The proposed establishment will offer hookah service, bottle service, and full bar service featuring a selection of premium spirits, beer, and wine. The interior layout will include a variety of seating arrangements, including cocktail tables and a dedicated VIP lounge area intended to provide enhanced guest experience. Entertainment amenities will consist of approximately four to six flat-screen televisions installed throughout the lounge for patron viewing. In addition, a DJ may be utilized periodically and during special events.

The business will operate within the existing ±3,250-square-foot building and is expected to employ approximately 9 staff members. Proposed hours of operation are Monday through Sunday from 4:00 p.m. to 2:00 a.m.

Pursuant to Chapter 5, Section 5-5 of the City's Land Development Regulations (LDRs), an alcohol distance waiver is required because the proposed establishment will sell alcoholic beverages and is located within 500 feet of a protected land use and/or another establishment holding a beverage license. Protected land uses include churches, public or private schools, parks, libraries, and similar uses as defined by the Code. Accordingly, approval by the appropriate Board is required prior to the City issuing an alcohol-distance waiver.

COMMUNITY OUTREACH

Staff have not received letters of support or opposition from adjacent or nearby neighbors.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The existing structure was constructed in 1958; and received a variance approval in 1965 to erect the existing awning into North Dixie Highway.

Use: The subject site has historically supported a range of commercial uses. The property was originally occupied by McLelland Saddle Shop, whose most recent active business license expired in 2016. The site was subsequently occupied by a seamstress business, which vacated the premises in November 2025. The property is currently vacant.

Code Compliance: The property has an open lien. The active code violation is related to not having an active business license and the required Use and Occupancy approval. Approval of the Conditional Use Permit will allow the property owner to proceed with the necessary steps to resolve the outstanding code enforcement case associated with the business license requirements.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). The MU-E FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The proposed request seeks approval to operate a medium-intensity bar with live entertainment within the existing building located at 317 North Dixie Highway. The requested alcohol distance waiver would allow for the on-site consumption of alcoholic beverages at the subject property and is consistent with the intent of the Mixed-Use East (MU-E) Future Land Use designation.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base and influence the supply and expansion of jobs. Because the proposal will allow the establishment of a business that will contribute towards the City's tax base and sustain or increase jobs, it is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

Based on the analysis above, the proposed Conditional Use Permit and Alcohol Distance Waiver, as conditioned, are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The MU-DH mixed use – Dixie Highway district is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for medium-intensity bar use (use area less than 7,500 square feet), with live entertainment, as required by LDR Section 23.3-6. The proposed business, Midnight District, is a bar that will operate within an existing ±3,250-square-foot building. The use will include a combined hookah and social lounge that offers hookah service, bottle service, and full bar service. In addition, a disc jockey (DJ) may be utilized periodically and during special events. Proposed hours of operation are Monday through Sunday from 4:00 p.m. to 2:00 a.m.

Based on the information submitted by the applicant and staff analysis, the proposed conditional use is not anticipated to have a greater impact on the surrounding area than uses permitted by right within the MU-DH district. However, staff has included conditions of approval requiring compliance with the City's Noise Ordinance, as set forth in Section 15-24 and the Alcoholic Beverages regulations as set forth in Chapter 5. Additionally, staff has included a condition allowing

for the revocation of the business license and Conditional Use Permit should the property be declared a chronic nuisance as a result of, or related to, the operations of the approved use.

Further, the proposed use will be served by existing municipal services, including water, sewer, solid waste, fire protection, and police services. The site is located along North Dixie Highway, a major roadway, and therefore no additional public expenditures are anticipated to be necessary to accommodate the proposed use.

The analysis for the conditional use permit is provided in the section below and is consistent as conditioned with the review criteria located in Attachment A.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29.a), Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29.b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation of approval by the development review official is provided on page 2 of this report.

Section 23.2-29.c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Analysis: The structure on the property was constructed in 1958. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities include not meeting the minimum lot width and lot area, not meeting the build-to-line requirement, exceeding impermeable surface coverage allowance, exceeding the lot coverage for all buildings and landscape deficiencies. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. However, staff has added a condition of approval to apply for a landscape permit to add commercial planters along the façade facing North Dixie Highway. **As conditioned, the proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

Per LDRs Section 23.4-10.f)2.A., Exceptions (Off-street Parking). *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Analysis: Section 23.4-10 of the Land Development Regulations (LDRs) states that additional parking is not required for changes in use or occupancy, or for the remodeling of existing buildings that do not increase floor area or the number of dwelling units. However, because the proposed use is considered higher parking-intensity use, additional off-street parking is required.

Pursuant to LDR Section 23.4-10 (Off-Street Parking), the property located at 317 N Dixie Highway is required to provide 13 off-street parking spaces; however, only four (4) parking spaces currently exist on-site. To address this deficiency, the applicant has submitted a shared parking agreement between the subject property and the adjacent parcel to the south, located at 311 N Dixie Highway, allowing shared use of the existing parking lot.

Based on the hours of operation of the existing business at 311 N Dixie Highway, staff determined that the bar and the proposed Latin grocery store would operate concurrently for approximately six (6) hours per day. Due to the overlap in operating hours, staff evaluated both properties collectively to ensure compliance with the required off-street parking standards.

Staff determined that the use at 317 N Dixie Highway requires thirteen (13) off-street parking spaces, while the existing use at 311 N Dixie Highway requires five (5) off-street parking spaces. The shared parking lot associated with 311 N Dixie Highway contains a total of thirteen (13) parking spaces, including eleven (11) spaces located directly north of the site and two (2) spaces located to the rear of the building. Staff's review found that the existing use at 311 N Dixie Highway can satisfy its required five (5) parking spaces with the existing on-site parking supply, leaving eight (8) spaces available to be shared with 317 N Dixie Highway.

With the addition of the eight (8) shared parking spaces, together with the four (4) existing parking spaces located on-site at 317 N Dixie Highway, the subject property can provide a total of twelve (12) parking spaces. As the required parking demand is thirteen (13) spaces, a deficiency of one (1) parking space remains. Therefore, staff has included a condition of approval requiring the installation of a bicycle rack capable of accommodating a minimum of four (4) bicycles, which may be counted as one (1) parking space toward the minimum parking requirement.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: Due to existing site conditions and physical constraints, there is limited opportunity for the property to fully conform to current landscape requirements. However, to enhance the visual appearance of the site and improve compliance with the intent of the Landscape Regulations, staff has included a condition of approval requiring the applicant to obtain a landscape permit to install commercial planters along the façade facing North Dixie Highway. This condition will help improve site aesthetics while recognizing the limitations of the existing development.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.j) General findings relating to harmony with LDRs and protection of public interest.

Analysis: The proposed Conditional Use Permit is in general in harmony with the surrounding area and consistent with the established development pattern along the North Dixie Highway corridor. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

While the site is located along a commercial corridor, residential properties are located to the rear (west) of the property across the alley. To ensure compatibility with nearby residential properties and protection of the public interest, staff have included conditions of approval requiring compliance with the City's Noise Ordinance, as set forth in Section 15-24. In addition, because of the proximity of residential properties to the west, staff have included a condition prohibiting outdoor disposal of refuse between the hours of 10:00 p.m. and 2:00 a.m. in order to minimize noise impacts on nearby residents. Additionally, staff has included a condition allowing for the revocation of the business license and Conditional Use Permit should the property be declared a chronic nuisance because of, or related to, the operations of the approved use.

Section 23.2-29.k) Specific findings for all conditional uses.

Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. No additional public expenditures are required to service the proposed use. The site is located on a major road (North Dixie Highway), and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than a use permitted by right. The proposed use will not change the existing on-site traffic circulation. The use is also not expected to generate air emissions, noise, lighting, or service demands beyond those typical of permitted uses. Compliance with the City's Noise Ordinance is required to ensure compatibility with nearby residential properties.

Section 23.2-29.m) Additional requirements.

Staff Analysis: The subject property is currently subject to an open code enforcement lien (Case No. 25-2143) related to the failure to obtain a business license and the required Use and Occupancy inspection approval. Approval of the Conditional Use Permit will allow the property owner to proceed with the necessary steps to resolve the outstanding code enforcement case associated with the business license requirements. In addition, staff has included a condition of approval requiring that all outstanding code violations be resolved prior to the issuance of a business license.

Section 5.5(d) – Standards for Review/Decision

A decision on a request for the waivers shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

Analysis: Staff finds that at least one establishment holding an alcoholic beverage license is in close proximity to 317 North Dixie Highway. Pursuant to LDR Section 5.5(a)(2), protected land uses include churches, public or private schools, parks, and libraries. Staff review did not identify any protected land uses within five hundred (500) feet of the subject property. However, multiple residential zoned properties are located within this distance. Accordingly, approval of the request would result in more than one alcoholic beverage establishment being located within five hundred (500) feet of residential zoning districts; therefore, an alcohol distance waiver is required.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

Analysis: The proposed onsite consumption of alcohol will be a new use for the subject location. If approved, staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the sales of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

Analysis: The subject property does not contain a designated historic property, therefore this criterion is not applicable.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

Analysis: The waiver is necessary to allow on-site consumption of alcohol beverages at the subject property. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed use is not detrimental to the health, safety, and welfare and surrounding community.

CONCLUSION AND CONDITIONS

The MU-DH zoning district is intended to accommodate a broad range of office and commercial uses, as well as higher-density residential development. Based on the information and analysis contained in this report, and the materials submitted by the applicant, the proposed use, as conditioned, is not anticipated to negatively impact adjacent properties and is compatible with surrounding uses along the North Dixie Highway corridor. Accordingly, staff recommends that the Planning and Zoning Board consider the request, including whether to approve the waiver of the prohibition on alcoholic beverage sales within five hundred (500) feet of other alcoholic beverage establishments and residential properties. If approved, staff recommend the following conditions of approval:

Planning, Zoning, & Landscape

1. A landscape permit application shall be submitted and approved within three (3) months of the issuance of the development order to add commercial planters along the façade facing North Dixie Highway. All landscape improvements shall be completed within six (6) months of the issuance of the landscape permit.
2. Prior to the issuance of a building permit, a site plan modification is required to install a bike rack.
3. An Alcoholic Beverages & Tobacco (ABT) application must be completed and approved by the state prior to on-site consumption of alcohol.
4. No person shall sell, deliver, consume or permit the sale, delivery, service or consumption of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages of more than one (1) percent of alcohol by weight shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.
5. All uses shall comply with the requirements and stipulations set forth in City Code Section 15-24, Noise Control.
6. No outdoor disposal of refuse shall occur between the hours of 10:00 p.m. and 2:00 a.m.
7. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License to legally operate a bar use with on-site alcohol consumption.
8. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
9. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
10. All proposed signage shall be reviewed through the building permit process for compliance with the requirements of the Land Development Regulations.
11. Any mural located on a building façade fronting a major thoroughfare shall require approval from the Planning and Zoning Board.

12. The applicant shall continue working collaboratively with the Code Compliance Division, as applicable, to address any remaining outstanding items and facilitate compliance with applicable City requirements.

Public Works

1. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at Solidwasteinfo@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.
2. Prior to issuance of a building permit, a location shall be designated on the site plan for the storage of refuse carts and/or dumpsters on non-collection days. Plans shall also indicate how the refuse carts/dumpsters will be screened from public view on non-collection days.
3. Prior to the issuance of a Building Permit, the dumpster enclosure design shall meet the specifications of the Public Works Dept for size, type and material.

Building

1. A five-foot (5') accessible aisle is required adjacent to the ADA parking space. All other comments are deferred pending the submittal of permit documents for the change of occupancy.

Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram, if they going to make any load changes.
2. Developer will be responsible for installing their own lightning for the parking areas.

Community Redevelopment Agency (CRA)

1. Any improvements or alterations to the exterior of the building must adhere to the City of Lake Worth Beach Major Thoroughfare Guidelines.
2. Due to the nature of the proposed establishment, the project should incorporate proper CPTED principles to ensure safety for both its patrons and those in the surrounding neighborhood. This includes the installation of effective exterior lighting, security cameras and respectable business practices.

BOARD POTENTIAL MOTION:

I move to **APPROVE WITH CONDITIONS** the request for PZB Project Number 25-00500011, a Conditional Use Permit for the establishment of a Medium-Intensity (use area less than 7,500 square feet) Bar with or without Live Entertainment and an Alcohol Beverage Distance Waiver to allow the sales of alcoholic beverages at 317 North Dixie Highway.

I move to **DISAPPROVE** the request for PZB Project Number 25-00500011 for a Conditional Use Permit for the establishment of Medium-Intensity (use area less than 7,500 square feet) Bar with or without Live Entertainment and an Alcohol Beverage Distance Waiver to allow the sales of alcoholic beverages at 317 North Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Findings for Granting Conditional Uses
- B. Application Package

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance, as conditioned
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance, as conditioned
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a</i>	In compliance

demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

- 7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance, as conditioned**

- 8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**